

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

UNITED STATES

v.

ANTWAUN JOHNSON

Defendant

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Case No. PX-18-0584

CONSENT MOTION FOR RELEASE PENDING SENTENCING

The Defendant, Antwaun Johnson, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Andrew R. Szekely, Assistant Federal Public Defender, hereby moves the Court to enter an order releasing him from federal custody and allowing him to enter primary state custody pending sentencing, and in support thereof states the following:

1. On November 21, 2018, Magistrate Judge Timothy Sullivan issued an Order of Detention. ECF No. 9. In that Order, the Court found that the government proved, by clear and convincing evidence, that “no condition or combination of conditions of release will reasonable assure the safety of any other person and the community.” *Id, see* 18 U.S.C. § 3142(g). During the hearing, the Court noted it was a close call and invited Mr. Johnson to file a motion for reconsideration.
2. On January 7, 2019, Mr. Johnson again appeared before Judge Sullivan for a detention hearing. At that time, the Court and the parties learned that the Maryland Division of Parole and Probation had requested a warrant for Mr. Johnson alleging a violation of probation. Mr. Johnson did not at that time wish to enter state custody, so he withdrew his hearing request.

3. On June 10, 2019, Mr. Johnson appeared before United States District Judge Paula Xinis and entered pleas of guilty to the sole count pending against him. Sentencing is scheduled for August 6, 2019.
4. The state court bench warrant remains outstanding. Mr. Johnson has retained counsel for his state court matter. The undersigned and that attorney have conferred with one another and with Mr. Johnson. Based on these consultations, Mr. Johnson is asking to be released to the detainer currently lodged against him so that he can appear in state court and resolve his state matter before his federal sentencing.
5. There is a state detainer on record with the Marshals Service and any release order would result in Mr. Johnson's being transferred to state custody.
6. As Mr. Johnson has pled guilty and is pending sentencing, authority over release or detention rests with the District Court. 18 U.S.C. § 3141(b).
7. Assistant United States Attorney Gregory Bernstein consents to the entry of a release order in this case.
8. Mr. Johnson consents to the federal release order being revoked once it is confirmed that he is in state custody so that there would a detainer for this case lodged against him.

Wherefore, Mr. Johnson respectfully requests that this Court release him on his own recognizance pending sentencing in this matter.

Respectfully submitted,
James Wyda
Federal Public Defender
for the District of Maryland

____/s/_____
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ORDER

Upon consideration of the Defendant's Consent Motion for Release Pending
Sentencing, it is this ____ day of July, 2019, hereby:

ORDERED, that the motion is **GRANTED**; and it is further

ORDERED, that Mr. Johnson is released on his own recognizance pending sentencing
in this matter.

Paula Xinis
United States District Judge